

## Chapter 1.04 GENERAL PROVISIONS

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**1.04.010 Title — Citation — Reference.** This code shall be known as the “Hoopeston Municipal Code” and it shall be sufficient to refer to said code as the “Hoopeston Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Hoopeston Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Hoopeston Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

**1.04.020 Codification authority.** This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Hoopeston, Illinois.

**1.04.030 Definitions.** The following words and phrases, whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

- A. "City" and "town" each mean the city of Hoopeston, Illinois, or the area within the territorial limits of the city of Hoopeston, Illinois, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of Hoopeston. "All its members" or "all councilmen" means the total number of councilmen holding office.
- C. "County" means the county of Vermilion.
- D. "Law" denotes applicable federal law, the Constitution of statutes of the state of Illinois, the ordinances of the city of Hoopeston, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
3. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians. V
- P. "State" means the state of Illinois.
- Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year. (Ord. 81-14 § 1, 1980).

**1.04.040 Title, chapter and section headings.** Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

**1.04.050 Title of office.** Use of the title of any officer, employee, department or commission means that officer, employee, department, board or commission of the city of Hoopeston. (Ord. 8 1-14 § 2, 1980).

**1.04.060 Liability of public officers.** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty. unless the intention of the city council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (Ord. 81-28 § 1, 1980: prior code § 21.104).

**1.04.070 Interpretation of language.** All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 81-14 § 3, 1980).

**1.04.080 Grammatical interpretation.** The following grammatical rules shall apply in this code, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 8 1-14 § 4, 1980).

**1.04.090 Acts by agents.** When an act is required by this code, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 81-14 § 5, 1980).

**1.04.100 Prohibited acts include causing and permitting.** Whenever in this code, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission, (Ord. 81-14 § 6, 1980).

**1.04.110 Computation of time.** Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 81-14 § 7, 1980).

**1.04.120 Construction.** This code and all proceedings under it is to be construed with a view to effect and to promote justice. (Ord. 8 1-14 § 8, 1980).

**1.04.130 Intent.** All general provisions, terms, phrases, and expressions contained in this code shall be liberally construed in the order that the true intent of the mayor and city council may be fully carried out. (Prior code § 2 1.105).

**1.04.140 Reference to specific ordinances.** The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

**1.04.150 Effect of code on past actions and obligations.** Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

**1.04.160 Incorporation of amendments and additions.** Any additions or amendments to this code, when passed in such form as to indicate the intention of the mayor and city council to make the same a part of this code shall be deemed to be incorporated in this code so that a reference to the Municipal Code of Hoopeston shall be understood to include them. (Prior code § 21.201).

**1.04.170 Repeal shall not revive any ordinances.** The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 81-14 § 9, 1981).

**1.04.180 Public utility ordinances.** No ordinances relating to railroads or railroad crossing with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the passage of this code or by virtue of the preceding section, excepting as this code shall be construed as amending such ordinance or ordinances in the respect of such provisions only. (Prior code § 2 1.402).

**1.04.190 Pending suits.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatsoever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claims arising under the former ordinance, or in any way whatsoever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claims arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated

by any provision of a new ordinance, such provision may, by consent of the party affected, be applied to any judgment announced after the new ordinance takes effect. This section shall extend to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provisions upon the same subject or any other ordinance.

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision of ordinances existing at the time of the passage of this code. (Prior code § 21 .403).

**1.04.200 Constitutionality.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**1.04.210 Repeal of general ordinances.** All general ordinances of the city passed prior to the passage of the ordinance enacting this code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal, from which are excluded the following ordinances which are not hereby repealed: Tax levy ordinances, appropriation ordinances, ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants: salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city: building line ordinances; zoning ordinances; social security, municipal employees' retirement ordinances; subdivision ordinances; ordinances for sewer connections and rates in certain specified areas: ordinances providing for the distribution of unclaimed rebates in special assessments and all special ordinances.